

**ELECTORAL MATTERS COMMITTEE – INQUIRY INTO VOTER PARTICIPATION AND INFORMAL VOTING**

**GOVERNMENT RESPONSE**

<b>Recommendation</b>	<b>Government Response</b>
<b>Chapter 2: Electoral Participation in Context</b>	
<p><b>2.1:</b> The Victorian and Commonwealth Governments consider how best to harmonise electoral laws to ensure a uniform and consistent approach.</p>	<p><b>Support.</b> The Victorian Government agrees that a harmonised approach to electoral laws is desirable.</p> <p>On 23 September 2009, the Commonwealth Government’s second paper on electoral reform was released by Special Minister of State, Senator the Hon Joe Ludwig, for the purposes of public consultation. This paper, entitled <i>Electoral Reform Green Paper – Strengthening Australia’s Democracy</i>, is wide ranging, covering almost every aspect of electoral law.</p> <p>The Federal Government has sought the cooperation of the states and territories in progressing reforms. State and territory ministers were consulted in the preparation of this Green Paper and will be consulted further in respect of the submissions received and the directions that those submissions suggest governments should take in respect of electoral law. The Victorian Government will work with the Commonwealth to identify opportunities for the harmonisation of electoral legislation. However, it is anticipated that harmonisation of electoral laws will be a long term project and there may be instances</p>

where the Victorian State Government decides to unilaterally pursue electoral reforms.

### Chapter 3: Electoral Enrolment in Victoria

**3.1:** The Committee recommends the Victorian Government examine legislative reform to achieve the following goals:

- Maximising the electoral enrolment of eligible Victorians, including enforcement of the compulsory enrolment provisions of the *Electoral Act 2002* (Vic); and
- ensuring the accuracy of the electoral roll and prevention of fraudulent enrolment.

The examination should consider the following options:

- Smart enrolment;
- Automatic enrolment;
- Election day registration (EDR); and
- A dormant roll.

**Support.** The Victorian Government is committed to maximising enrolment and ensuring the accuracy of the electoral roll. The VEC undertakes numerous enrolment activities in pursuing these goals which have been outlined in the EMC's report. In addition, the VEC is conducting a trial in its mail out programs emphasising that enrolment and updating enrolment are compulsory and warning that people who fail to do so may be fined. Prosecutions for failure to enrol are likely. The VEC will conduct a costs benefit analysis of this approach.

The Government will introduce amendments to the *Electoral Act 2002* (the Act) to provide for streamlined procedures whereby the VEC will have the power to enrol people on its own initiative based on information from reliable sources. Streamlined enrolment procedures will be implemented in stages with the first stage capturing certain students who are 18 years old and over. The Government will also amend the Act to enable eligible electors who are not on the electoral roll to enrol on election day.

The Government will continue to examine the enrolment options recommended by the EMC and consider the need for further legislative reform in respect of enrolment. Any recommendations for harmonisation of enrolment arrangements emerging from the Federal Government's electoral reform process will also need to be considered.

### Chapter 4: Voter Turnout in Victoria

**4.1:** The Victorian Government amends the *Electoral Act 2002* (Vic) to exempt electors who change residential address (but remain within their existing electorate) without updating their enrolment.

**Support in part.** The effect of section 90(3) of the Act is that a person cannot vote if they have not lived at the address set out on the roll as his or her principal place of residence within the three months immediately before election day. This is commonly known as the three-month rule. Every elector is obliged under the Act to enrol and keep their enrolment updated. The three-month rule is based on the principle that only people who live within an electorate should be able to vote in that electorate. The EMC's recommendation advocates abolition of the three-month rule for electors who change their residential address within their electorate. However, since the rule was introduced, the VEC has undertaken a range of programs, which have improved the accuracy and effective maintenance of the roll, reducing the need for the three-month rule. Therefore, the Government will amend the Act to abolish the three-month rule for all voters, not just those who have moved within their electorate.

### Chapter 5: Informal Voting in Victoria

**5.1:** The Victorian Electoral Commission continues to analyse informal voting statistics following all Victorian state elections and publishes the results in the form of an informal voting survey in its election report to Parliament.

**Support.**

**5.2:** The Victorian Electoral Commission continues to develop advertising in the lead up to Victorian state elections to advise voters of the different voting requirements for the Victorian Legislative Assembly and Legislative Council.

**Support.**

<p><b>5.3:</b> The Victorian Government examine legislative reform to the formality interpretation provisions in the <i>Electoral Act 2002</i> (Vic) to maximise the electoral participation of eligible Victorians, whilst maintaining a system of compulsory preferential voting. The examination should consider South Australian ticket voting and other possible rules governing the informality of ballots and savings provisions.</p>	<p><b>Support.</b> The Victorian Government will examine legislative reform to formality interpretation provisions including the South Australian ticket voting model. Any recommendations for harmonisation of formality provisions emerging from the Federal Government's electoral reform process will also be considered.</p>
<p><b>Chapter 6: Youth Electoral Enrolment in Victoria</b></p>	
<p><b>6.1:</b> The Victorian Electoral Commission considers including in their annual report to Parliament a section specifically examining youth electoral enrolment and electoral participation.</p>	<p><b>Support.</b> This information was included in the Victorian Electoral Commission's 2008-09 Annual Report and will be included in all future Annual Reports.</p>
<p><b>6.2:</b> The Victorian Electoral Commission considers examining the feasibility of conducting electoral enrolment drives at Victorian universities, TAFE colleges and secondary schools in the year of Victorian state elections.</p>	<p><b>Support.</b> The Australian Electoral Commission (AEC) conducts enrolment drives on an annual basis with particular emphasis on orientation days at university campuses and Enrol to Vote Week in secondary schools. Enrol to Vote Week alone has been averaging around 20,000 new enrolments (across 1800 schools) Australia wide for the past few years. The VEC has developed a Memorandum of Understanding (MoU) with the AEC around education activities and information to ensure complementary activities. As part of the MoU, the VEC will support the 2010 Enrol to Vote Week and will look at other opportunities to focus on youth enrolment.</p>
<p><b>6.3:</b> The Victorian Government fully funds the Victorian Electoral Commission's <i>Passport to Democracy</i> program, given its potential to increase electoral enrolment and voter turnout amongst young people.</p>	<p><b>Support in part.</b> Civics and citizenship is a domain within the Victorian Essential Learning Standards and has a focus on civic knowledge and engagement, including Australia's political and voting system, and community engagement.</p>

	<p>The Victorian Government has funded the development of the <i>Passport to Democracy</i> program through special appropriations. As the EMC has noted, the program has been positively received in those schools in which it has been piloted and is considered to be a useful resource for schools in supporting teachers in the delivery of classroom activities. The VEC will conduct a major evaluation of the pilot program in 2011. The Victorian Government will fund the expansion of the program subject to the outcome of the evaluation and competing funding priorities.</p> <p>The Department of Education and the Office for Youth will continue to work with the VEC to strengthen on-line tools available to young people through the <i>Passport to Democracy</i> program. For example, the Office of Youth and the VEC have worked closely in developing the <i>Do it Yourself Democracy</i> section on <i>youthcentral</i>, a Victorian Government website which has a particular focus on assisting young people to identify issues of interest to them and complements the classroom based <i>Passport to Democracy</i> program.</p>
<p><b>6.4:</b> The Victorian Electoral Commission considers introducing SMS reminders for electoral enrolment and voting.</p>	<p><b>Support in part.</b> The VEC is investigating all forms of social media in developing its information campaign for the 2010 State election.</p>
<p><b>Chapter 7: Electoral Engagement and Education in Victoria</b></p>	
<p><b>7.1:</b> The Victorian Government reviews the <i>Electoral Act 2002</i> (Vic) to ensure compliance with the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic).</p>	<p><b>Support.</b> The <i>Electoral Act 2002</i> is being assessed for compliance with the Charter.</p>

<p><b>7.2:</b> The Victorian Government makes representations to the Commonwealth Government to progress the Premises Standards which will harmonise the Australian Building Code and the <i>Disability Discrimination Act 1992</i> (Cth).</p>	<p><b>Support in principle.</b> The Victorian Government recognises the need to ensure that voting centres comply with accessibility standards. In 2008, the Victorian Minister for Planning urged in the Building Ministers' Forum that there be progress on the National Premises Standards.</p> <p>In 2009, the Commonwealth Standing Committee on Legal and Constitutional Affairs conducted an inquiry into the draft Premises Standards. The Committee recommended that the draft Standards be introduced without delay but also asked for a number of amendments in relation to their application to class 1b and 2 buildings. The Commonwealth Government tabled a response on 15 March 2010 which accepted most of the Committee's recommendations. The new Standards, which will commence operation on 1 May 2011, will help make more premises accessible to electors who have mobility impairments.</p>
<p><b>7.3:</b> The Victorian Electoral Commission considers encouraging all aged care facilities to include an electoral enrolment form in the welcome pack for new residents.</p>	<p><b>Support.</b> The VEC is implementing this recommendation.</p>
<p><b>7.4:</b> The Victorian Electoral Commission considers developing further partnerships with aged care service providers in order to provide electoral education for residents, carers and facility administrators.</p>	<p><b>Support.</b> The VEC will continue to work with those aged care service providers already identified as part of its mobile voting program to ensure access to enrolment and voting services. In addition, the VEC will continue to promote the availability of General Postal Voter status prior to commencement of State election campaigns, to enable clients of aged care facilities to automatically receive postal ballot packs at state and local council elections. This will complement the work proceeding to encourage facility administrators to include an enrolment form in the new resident welcome kit.</p>

<p><b>7.5:</b> The Victorian Electoral Commission considers appointing community members as ‘Democracy Ambassadors’ during electoral events to directly liaise with relevant communities.</p>	<p><b>Support.</b> The VEC works in partnership with the Victorian Multicultural Commission, to provide advice and translated information about enrolment and voting to key community representatives around Victoria as part of a travelling education campaign in September of each state election year. Further, the VEC is also in the process of implementing a new electoral education program with Australian Multicultural Education Services. Consideration will be given to the idea of specific ‘Democracy Ambassadors’ within education settings, Indigenous communities, homelessness agencies and disability day care centres.</p>
<p><b>7.6:</b> The Victorian Electoral Commission considers conducting community education on formal voting provisions for those from non-English speaking backgrounds.</p>	<p><b>Support.</b> The VEC has previously provided multi-lingual leaflets in voting centres for State elections and trialled posters within voting screens during the 2008 attendance council elections. Printed instructions within the voting screens have been found to be of most assistance to non-English electors at the point in time at which this information is most required. As such, the VEC will be placing translated voting instructions on the facing panel of voting screens at future elections.</p> <p>During the 2010 State election period, translated audio instructions on how to vote correctly will be incorporated into the VEC’s website.</p> <p>As mentioned, the VEC will also be involved in the Victorian Multicultural Commission’s education campaign in September 2010, which will include the provision of advice and information on how to vote correctly.</p> <p>As a result of the research conducted into Chinese and Vietnamese</p>

communities, the VEC has developed postcards with translated voting instructions in these languages for preferential voting. An electorate with high population numbers of Chinese/Vietnamese electors will be specifically targeted for evaluation of this initiative at the 2010 State election.

Also, the VEC has formed a partnership with the Adult Multicultural Education Services with the aim of integrating electoral education into the English as a second language curriculum and promoting democratic participation amongst people from culturally and linguistically diverse backgrounds. The main outcome of the partnership is a resource kit, *All about Voting*, for use in Australian Multicultural Education Services classrooms and also available to interested community groups. The kit includes a teacher guide, student resources, sample ballot materials and a DVD case study of a new citizen's experience of enrolment and voting in Australia.

In partnership with the Migrant Information Centre (Eastern Melbourne) the VEC has also run education and information sessions for Burmese and Chinese community groups, with the aim of increasing democratic participation and reducing informal voting. Such education and information sessions are ongoing.



<p><b>7.7:</b> The Victorian Electoral Commission considers making representations to the Australian Electoral Commission and the Electoral Council of Australia regarding the development of electoral enrolment forms in languages other than English.</p>	<p><b>Support in part.</b> While translation and processing of electoral enrolment forms in other languages would impose a substantial administrative burden on Australia's electoral commissions, the VEC is working towards improving the accessibility of enrolment forms for people from non-English speaking backgrounds. (See the response to recommendation 7.8 below.)</p>
<p><b>7.8:</b> Subject to the outcome of Recommendation 7.7, the Victorian Government considers funding electoral enrolment forms in languages other than English and/or considers funding the development of an in-language companion form to be provided with the electoral enrolment form.</p>	<p><b>Support.</b> The VEC is considering alternative methods to assist those from non-English speaking backgrounds to complete the enrolment form, such as the production of translated companion sheets to go with the enrolment form. This activity is funded by the Victorian Government through special appropriations.</p>
<p><b>7.9:</b> The Victorian Electoral Commission continues to develop strategies to encourage renters and persons who are geographically mobile to maintain their electoral enrolment details.</p>	<p><b>Support.</b> Social media options to encourage enrolment and enrolment updates for renters and mobile persons will be investigated as part of the communication options for the 2010 state election campaign. The VEC also runs a continuous roll update program, which includes the receipt of data from organisations such as VicRoads, the Residential Tenancies Bond Authority, the Victorian Curriculum and Assessment Authority and the Victorian Tertiary Admissions Centre. This data is utilised to contact those electors who have moved address with a request to update their enrolment. Responses are tracked and a follow up letter sent if no response is received. The letter reminds electors that their details will be removed from the roll and that they risk a fine if they do not maintain current enrolment details.</p>

**7.10:** The Victorian Government makes representations to the Commonwealth Government to amend section 96 of the *Commonwealth Electoral Act 1918* (Cth).

**Support in principle.** The EMC recommend that representations be made to the Commonwealth Government to amend section 96 of the *Commonwealth Electoral Act 1918* to –

- include a definition of homelessness
- amend section 96(8) to provide that people experiencing homelessness should be able to reside at a real place of living for at least six months rather than one month before they become ineligible to enrol as an itinerate elector.
- repeal section 96(9)(a) to ensure that itinerant voters are not penalised by being removed from the electoral roll if they fail to vote at a Federal election.

Section 96 of the Commonwealth Act was originally created to cater for travelling seasonal workers such as fruit pickers and shearers, but also applies to homeless persons. Section 22(4) of Victoria's Act provides that a person who is an itinerant elector under section 96 of the Commonwealth Act is also an itinerant elector under State law. Section 3A of Victoria's Act specifies that an itinerant elector under section 22(4) includes a homeless person, and defines "homeless person".

There have been some difficulties with these provisions. Experience has shown that, when given the opportunity, many homeless people are willing to enrol and vote. However, their life circumstances mean that it is hard for them to maintain their enrolment. Homeless people stay in crisis or transitional accommodation for unpredictable periods, which can last for months. The AEC has taken the view that once a homeless person has stayed in a place for more than a month, he or she

has a “real place of living” (the Commonwealth equivalent of the State Act’s “principal place of residence”), and so is no longer entitled to be an itinerant elector. The person loses his or her itinerant elector status and has to enrol for the place of living. In theory, the person is liable to prosecution if he or she fails to enrol for that place. However, in practice this is unlikely to occur.

These provisions may be suitable for seasonal workers. However, they are inappropriate for homeless people, and work against the objective of encouraging them to enrol and vote. Advocacy groups have proposed a variety of legislative changes to exempt homeless people from requirements.

The Commonwealth Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010, which was introduced into Commonwealth Parliament on 2 June 2010, appears to deal satisfactorily with these issues. The Bill creates a definition of “homeless person” along the lines of section 3A of the Victorian Act, including a person who lives in crisis or transitional accommodation. Such a person would be entitled to live in crisis or transitional accommodation for more than a month without losing his or her right to remain an itinerant elector. The person would not be removed from the roll if he or she failed to vote or apply for a postal vote at a Federal election, as occurs at present. Once the elector ceased to be a homeless person, he or she would be required to notify the AEC and enrol as an ordinary elector.

The Victorian Government supports this amendment to the Commonwealth Act. No amendment to the Victorian Act would be required if the Commonwealth Bill became law.

<p><b>7.11:</b> The Victorian Government amends section 23(4) of the <i>Electoral Act 2002</i> (Vic) to exempt only those classified as homeless from the requirement to notify the Victorian Electoral Commission in writing of a person's new address within 21 days after being entitled to be enrolled on the register of electors in respect of living at that new address.</p>	<p><b>Do not support.</b> See response to recommendation 7.10.</p> <p>If a homeless person is enrolled as an itinerant elector, he or she is not affected by this provision. People who are not itinerant electors are obliged to update their enrolment when they change address. An amendment to the State Act would create a category of electors who were not itinerant electors but who were homeless according to the definition in section 3A of the State Act. There is no database of homeless persons, and the VEC would need to flag such electors as homeless as it became aware of their status. Such people would be treated inconsistently under State and Commonwealth electoral law.</p> <p>In practice, the VEC takes people's circumstances into account when deciding whether to prosecute for a breach of section 23(4), and would not prosecute a homeless person. Amendment of the Commonwealth Act as outlined in recommendation 7.10 above should eliminate any problem in this area and is considered preferable to amending the State Act.</p>
<p><b>7.12:</b> The Victorian Government funds the Victorian Electoral Commission to continue to expand the location of mobile voting centres to organisations serving people experiencing homelessness.</p>	<p><b>Support in principle.</b> For the 2006 Victorian State election, and for the first time, a mobile voting centre visited St Mary's House of Welcome in Fitzroy. During the 2008 local government elections, the VEC introduced a number of services for people experiencing homelessness. In the two months prior to the close of rolls, seven enrolment sessions for people experiencing homelessness were held across six agencies in metropolitan Melbourne. The VEC also provided special voting facilities at four agencies in the two weeks prior to the elections. Overall, these sessions resulted in 66 enrolments and 91 votes. More than 100 additional clients were provided with information relevant to their enrolment status and participation needs.</p>

	<p>The Government supports the expansion of electoral services to organisations serving people experiencing homelessness subject to competing funding priorities. However, the number of centres where mobile voting catering for the homeless could take place is limited and therefore will have a limited effect on the VEC's election budget.</p>
<p><b>7.13:</b> The Victorian Government funds the Victorian Electoral Commission to provide information to persons experiencing incarceration, corrections service providers, and the Department of Justice to enhance the prisoner franchise in Victoria.</p>	<p><b>Support.</b> The VEC and the AEC produce a leaflet that provides information about enrolment and voting rights and responsibilities for people in prison. This information covers federal, state and local government elections.</p> <p>Prisoners serving a sentence of less than five years are entitled to enrol and vote but currently less than a third of eligible prisoners are enrolled. The VEC has commenced research into prisoners and voting. Once the VEC's research is completed consideration will be given to how best to improve electoral services to eligible prisoners.</p>
<p><b>7.14:</b> The Victorian Government makes representations to the Commonwealth Government to amend the <i>Commonwealth Electoral Act 1918</i> (Cth) to reduce the complexity of the process involved with registration as an overseas elector.</p>	<p><b>Support in principle.</b> The Commonwealth Government has in its <i>Electoral Reform Green Paper – Strengthening Democracy</i> canvassed issues relating to overseas electors including the perceived complexity of enrolment procedures. The Victorian Government will monitor the outcome of the Federal Government's electoral reform process in relation to this issue.</p>
<p><b>7.15:</b> The Victorian Electoral Commission considers including in its annual report to Parliament a section specifically examining electoral engagement activities.</p>	<p><b>Support.</b> This was included in the Victorian Electoral Commission's 2008-09 Annual Report and will be included in future Reports.</p>

### Chapter 8: Voting Systems, Electronic Voting, Compulsory Voting Enforcement in Victoria

**8.1:** The Victorian Government considers introducing the Weighted Inclusive Gregory Method of counting votes for the Legislative Council.

**Support in principle.** There are many different types of proportional representation. Victoria currently utilises the Gregory Method of counting votes, however may consider alternative methods of counting votes for the Legislative Council in the future. It should be noted that the Commonwealth Joint Standing Committee on Electoral Matters has rejected a change to the Weighted Inclusive Gregory Method or a system resembling it.

**8.2:** The Victorian Government amends the *Electoral Act 2002 (Vic)* to allow very limited electronic voting trials for those eligible electors with a motor-impairment, people with poor English-language skills and people who are illiterate in English.

**Support.** The Victorian Government will introduce amendments to the Act to provide for a trial of electronic voting for electors with a motor impairment or insufficient literary skills, whether in English or their primary spoken language.

**8.3:** The Committee supports the current penalty quantum and arrangements for electors who fail to vote without a valid and sufficient excuse.

**Noted.** The Victorian Government notes the Committee's support for the current penalty quantum and arrangements for electors who fail to vote without a valid and sufficient excuse.